

FILED: March 1, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1221
(A205-827-903)

JOSE ANTONIO MARTINEZ

Petitioner

v.

MERRICK B. GARLAND, Attorney General

Respondent

AMERICAN CIVIL LIBERTIES UNION

Amicus Curiae

and

PIERRE RILEY

Amicus Supporting Petitioner

NATIONAL IMMIGRATION LITIGATION ALLIANCE; NATIONAL
IMMIGRANT JUSTICE CENTER; LEGAL AID JUSTICE CENTER; CHACON
CENTER FOR IMMIGRANT JUSTICE OF THE UNIVERSITY OF
MARYLAND CAREY SCHOOL OF LAW; PROFESSORS OF CIVIL

PROCEDURE AND FEDERAL COURTS RICHARD H. FRANKEL;
AMANDA FROST; DAVID HAUSMAN; HELEN HERSHKOFF; JOHN
HARLAND GIAMMATTEO; DAVID C. VLADECK; TIFFANY YANG;
BRONX DEFENDERS; BROOKLYN DEFENDER SERVICES; THE LEGAL
AID SOCIETY; MAKE THE ROAD NEW YORK

Amici Supporting Rehearing Petition

O R D E R

The court denies the petitions for rehearing en banc.

A requested poll of the court failed to produce a majority of judges in regular active service and not disqualified who voted in favor of rehearing en banc.

Judge Wilkinson, Judge Niemeyer, Judge Agee, Judge Harris, Judge Richardson, Judge Quattlebaum, Judge Rushing and Judge Heytens voted to deny rehearing en banc. Chief Judge Diaz and Judge King, Judge Gregory, Judge Wynn, Judge Thacker, and Judge Benjamin voted to grant rehearing en banc.

Entered at the direction of Judge Rushing.

For the Court

/s/ Nwamaka Anowi, Clerk